



CITY OF GARDNER
MASSACHUSETTS 01440-2630

OFFICE OF THE
CITY CLERK

CITY OF GARDNER
NOTICE OF JOINT PUBLIC HEARING
MARIJUANA ESTABLISHMENTS ZONING AMENDMENT

Pursuant to G.L. c. 40A, § 5, notice is hereby given that the City Council and Planning Board will conduct a **Joint Public Hearing on Monday, June 3, 2019 at 7:00 P.M.** in the City Council Chamber, Room 219, City Hall, 95 Pleasant Street, Gardner, to consider amending Chapter 675-1070 Marijuana Establishments, of the Code of the City of Gardner, by deleting and repealing Subsection C (3) (a) in its entirety and by deleting from Subsection C (9) (c) the words "shall not exceed the number of registered medical marijuana treatment centers in Gardner engaged in the same type of activity and."

All persons interested in this matter and desire to offer testimony are invited to attend the hearing.

ALAN L. AGNELLI
CITY CLERK

ORDINANCE

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 675 THEREOF, ENTITLED "ZONING," TO CHANGE VARIOUS PROVISIONS RELATING TO MARIJUANA ESTABLISHMENTS.

Be it ordained by the City Council of the City of Gardner, as follows:

Section 1. Chapter 675-1070 Marijuana Establishments, is hereby amended by deleting and repealing Subsection C (3) (a) in its entirety.

Section 2. Subsection C (9) (c) of Chapter 675-1070 Marijuana Establishments, is hereby amended by deleting the words "shall not exceed the number of registered medical marijuana treatment centers in Gardner engaged in the same type of activity and".

Section 3. This Ordinance shall become effective upon passage and publication as required by law. Any claims of invalidity by reason of any defect in the procedure of adoption may only be made ninety days after the posting or the second publication.

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CITY OF GARDNER

RECEIVED



DEPARTMENT OF COMMUNITY DEVELOPMENT AND PLANNING

April 10, 2019

2019 APR 10 10 51 AM
CITY CLERK'S OFFICE
GARDNER, MA

President Scott J. Graves, Esq.
C/o Alan Agnelli, City Clerk
City Hall
Gardner, MA 01440

Re: **Proposed Amendment to Section 675-1070 Marijuana Establishments, C (3) (a); and C (9) (c) of the City of Gardner ZONING CODE**

Dear President Graves:

At its meeting on April 9, 2019, The Planning Board voted unanimously (4-0) to recommend that the City Council consider amending the Zoning Code as follows:

Section 675-1070 Marijuana Establishments, C (3) (a). Delete in its entirety. The clause is too restrictive and does not allow for reasonable site selection process for this type of use given the overabundance of nonconforming residential structures within the City.

Section 675-1070 Marijuana Establishments, C (9) (c). Delete "shall not exceed the number of registered medical marijuana treatment centers in Gardner engaged in the same type of activity and." In its current state the clause is ambiguous. The proposed amendment clarifies the clause while maintaining consistency with state regulations by not preventing the conversion of a qualified medical marijuana treatment center to a marijuana establishment. The final clause should read as follows:

The number of Marijuana Establishments shall not prevent the conversion of a medical marijuana treatment center licensed or registered no later than July 1, 2017 to a marijuana establishment engaged in the same type of activity.

The Planning Board determined that the proposed amendment is beneficial to the present and future inhabitants of the City of Gardner, and is in accordance with the provisions of Massachusetts General Laws Chapter 40A.

The Planning Board looks forward to joining the City Council at a public hearing scheduled at your earliest convenience. Please contact Trevor Beauregard if you have any questions or need additional information.

Sincerely,

Allen Gross, Chairman